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EXPRESS MAIL CERTIFICATE OF MAILING

37 C.F.R. §1.10

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, in an envelope addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231, on the date shown below.

Signature:

Susie Hubka

Express Mail No.: **EL 993504419 US**
Date Mailed: **OCTOBER 22, 2003**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a Continuation Application under 37 C.F.R. §1.53(b) in re:

Inventors: Donald J. Stern, James A. Tryon, and Eivind Clausen
Title: AEROSOL SPRAY TEXTURE APPARATUS FOR A PARTICULATE CONTAINING MATERIAL
Continuation of U.S. Application Serial No. 10/047,041
Attorney's Docket No.: P214426
Date of Deposit: OCTOBER 22, 2003
Express Mail mailing label number: EL 993504419 US

1. Enclosed are:

- a) Specification and claims (69 pages consisting of specification, 18 claims, Abstract, Appendices A-1 and A-2);
- b) Forty-five (45) sheets of informal drawings;
- c) Unexecuted Declaration and Power of Attorney;
- d) **Letter requesting treatment under 37 CFR 1.10, Express Mail Filing Date;**
- e) Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)
- f) A check in the amount of \$770 for Large Entity Filing Fee; and
- g) A stamped return receipt postcard.

2. The filing fee has been calculated as shown below:

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee
Total Claims	20 - 18 =	0	X \$18.00	\$770
Independent Claims	3 - 1 =	0	X \$86.00	
Multiple dep. Claim(s)			+ \$290.00	
			TOTAL	\$770

3. The Commissioner is hereby authorized to charge payment of any additional filing fees under 35 CFR 1.16 for the presentation of extra claims or any patent application processing fees under 37 CFR 1.17 associated with this communication to Account No. 502099 and to credit any overpayment to that account.

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"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated
above and is addressed to Mail Stop Patent Application, Commissioner for Patents, PO
Box 450, Alexandria, VA 22313-1450.

Susie Hubka
Susie Hubka
Secretary

PLEASE GIVE THIS APPLICATION THE FILING DATE OF OCTOBER 22, 2003.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Donald J. Stern
Title	AEROSOL SPRAY TEXTURE APPARATUS FOR A PARTICULATE CONTAINING MATERIAL
Attorney Docket Number	P214426

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 22, 2003

Date

Signature

360-647-0400

Telephone number

Michael R. Schacht, Reg. No. 33,550

Typed or printed name

Attorney for Applicant, Cust. No. 30662

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments including gathering, preparing, and submitting the completed application form to the USPTO, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.